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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,217	08/02/2005	Takashi Yamazaki	064446-0015	9488
20277	7590	09/06/2007	EXAMINER	
MCDERMOTT WILL & EMERY LLP			DONDERO, WILLIAM E	
600 13TH STREET, N.W.				
WASHINGTON, DC 20005-3096			ART UNIT	PAPER NUMBER
			3654	
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			09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/544,217	YAMAZAKI ET AL.	
	Examiner	Art Unit	
	William E. Dondero	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 July 2007.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3 and 5-9 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 02 August 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>08/02/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species II (Figures 4-5A and 8-11) in the reply filed on July 27, 2007 is acknowledged. The traversal is on the ground(s) that examining Claim 4 would not create undue burden on the Examiner as it is dependent on generic Claim 1. This is not found persuasive because although Claim 4 is dependent on currently generic Claim 1, it contains subject matter which is not shown in elected species, i.e. "a plurality of portions which move to form the annular guide".

Upon allowance of a generic claim, the rejoinder of Claim 4 will be considered.

The requirement is still deemed proper and is therefore made FINAL.

Claim 4 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 27, 2007.

Drawings

Figures 1-2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9/3/07 ^{-3, 5, 6} Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the bobbin" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Further it is unclear whether "the bobbin" in lines 4-5 is the same or different from "a take-up bobbin" in line 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikegami et al. (US-4015785) in view of Sasaki et al. (US-5558296). Regarding Claim 1, Ikegami et al. disclose an apparatus for winding a wire comprising an annular guide 10 for guiding the wire, the guide has an inner peripheral surface 10a whose diameter gradually increases in a direction remote away from the bobbin, and is disposed so that it can cover one of collars 5 of a take-up bobbin 1 for the wire (Figure

6). Ikegami et al. is silent about the annular guide having a notch. However, Sasaki et al. discloses an annular guide 24 with a notch 24a for guiding a wire onto a take-up bobbin 12 (Figures 1, 6, 8, 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the notch of Sasaki et al. to the annular guide of Ikegami et al. to guide the wire onto the bobbin as taught by Sasaki et al. Regarding Claim 2, Ikegami et al. disclose the annular guide has an engagement portion (space between angled part and part parallel to bobbin collar as shown by dashed line) for preventing the wire from spring out of the bobbin (Figure 6). Regarding Claim 3, Ikegami et al. disclose the annular guide is disposed so that it is moveable (by actuator 13) in an axial direction of the bobbin (Figures 1 and 6). Regarding Claim 5, Ikegami et al. disclose the apparatus comprises a wire positioning device 9 for guiding the cut terminal portion of the wire (Figure 6). Regarding Claim 6, Ikegami et al. disclose the wire positioning device comprises a guide rod (vertical portion of 9) for moving the wire and a guide plate (horizontal portion of 9) for preventing the spring of the wire (Figure 6).

With respect to Claim 7-9, the method described in these claims would inherently result from the use of the annular guide apparatus of Ikegami et al. in view of Sasaki et al. as advanced above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-

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272-5590. The examiner can normally be reached on Monday through Friday 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVED/


Peter M. Cuomo
Supervisory Patent Examiner
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